

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JEROME WILLIAMS,

Petitioner,

v.

Case No. 07-10898

KENNETH ROMANOWSKI,

Honorable Patrick J. Duggan

Respondent.

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**ORDER DENYING PETITIONER'S MOTION TO DISMISS**

At a session of said Court, held in the U.S.  
District Courthouse, City of Detroit, County of  
Wayne, State of Michigan, on July 10, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

On March 1, 2007, Jerome Williams ("Petitioner"), currently in state custody at Chippewa Correctional Facility, filed a petition under 28 U.S.C. § 2254 for a writ of habeas corpus. Petitioner, proceeding *in forma pauperis*, seeks to vacate his convictions for second degree murder, assault with intent to commit great bodily harm less than murder, felony-firearm, firearm possession by a felon, and armed robbery. Petitioner challenges his convictions on the grounds that: (1) there is insufficient evidence to sustain his convictions, (2) the Court failed to sever the charges against him, violating his due process rights, (3) the Court determined his sentence using incorrect sentencing guidelines, and (4) he was denied the effective assistance of counsel due to his attorney's

failure to make objections at trial. On May 2, 2007, Magistrate Judge R. Steven Whalen ordered Kenneth Romanowski (“Respondent”) to file an answer by November 8, 2007, and to file with the Court Clerk a copy of the relevant transcripts, appellate briefs, and state appellate opinions and orders pursuant to Rule 5 of the Rules Governing Section 2254 Cases. Respondent filed an answer on November 8, 2007, arguing that the Court should deny the requested relief. On May 29, 2008, Respondent filed the Rule 5 materials with this Court.

On June 11, 2008, Petitioner submitted a document entitled “Motion to Dismiss Case,” stating that he had received only the index of record, certificate of service, and respondent’s notice of filing, but had not received a copy of Respondent’s responsive pleading. For this reason, Petitioner requested that the Court “dismiss the case or in the alternative grant relief as this court deems just.”

Respondent filed an answer with this Court on November 8, 2007. The certificate of service attached to the answer states that a copy was mailed to Petitioner via the United States Postal Service. In the event that Petitioner did not receive a copy of Respondent’s answer, the Court is mailing Petitioner a copy of the answer.

Accordingly,

**IT IS ORDERED**, that Petitioner’s motion is **DENIED**.

s/PATRICK J. DUGGAN

UNITED STATES DISTRICT JUDGE

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